

# **ENVIRONMENTAL RULES REVIEW COMMITTEE (ERRC)**

## **MINUTES**

**Thursday, February 27, 2020, 1:00 – 3:30 p.m.**

Michigan Department of Environment, Great Lakes, and Energy  
Constitution Hall, Lee Walker Conference Room, Atrium Level North  
525 West Allegan Street, Lansing, Michigan 48933

### **ERRC MEMBERS:**

#### **Voting Members Present:**

Chuck Lippstreu	Daniel Frakes	Jeremy Orr
Helen Taylor	Dave Maness	Eric Pessell
Grant Trigger	Fadi Mourad	
Melissa Stults	Robert Nederhood (Chair)	

#### **Voting Members Absent:**

Jan Barlow	Shayna Schupan Barry
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#### **Non-Voting Members:**

James Clift Michigan Department of Environment, Great Lakes, and Energy (EGLE)	Kirk Lapham Department of Natural Resources (DNR)
Jim Johnson Michigan Department of Agriculture and Rural Development (MDARD)	Deb MacKenzie-Taylor Department of Health and Human Services (DHHS)

#### **Clerk:**

Dale Shaw

### **1. ERRC Roll Call**

The meeting was called to order at 1:02 p.m. Clerk Dale Shaw called the roll. Chair Robert Nederhood noted that a quorum was present.

### **2. Introduction of New Committee Members**

Chair Robert Nederhood introduced the following two new voting members to the ERRC:

- Charles Lippstreu representing statewide agriculture organizations. His term expires October 2021.

- Melissa Stults representing local governments. Her term expires October 2021.

### **3. Selection of a Vice-Chair for ERRC**

Mark Fowler, Vice-Chair, resigned from the ERRC effective January 14, 2020. Chair Robert Nederhood requested volunteers for Vice-Chair at the January 30, 2020 meeting. Eric Pressel volunteered to be Vice-Chair.

**Motion:** Grant Trigger made a motion to approve Eric Pressel as Vice-Chair of the ERRC; Helen Taylor seconded the motion. The motion was passed by all members present.

### **4. Approval of Agenda**

**Motion:** Dave Maness made a motion to approve the agenda as provided; Daniel Frakes seconded the motion. The motion was passed by all members present.

### **5. Approval of ERRC Minutes from January 30, 2020 Meeting**

**Motion:** Fadi Mourad made a motion to approve the minutes as provided; Eric Pessell seconded the motion. The motion was passed by all members present.

### **6. Summary of Public Comments and Changes to the Final *Supplying Water to the Public* Draft Rules (2019-035 EQ)**

Eric Oswald, Director, Drinking Water and Environmental Health Division, presented a summarization of the public comment period. The public comment period ran from 12/6/2019 to 1/31/2020.

- 3,334 written public comments were received related to the rules.
  - 3,315 were sent to the EGLE-PFAS-Rulemaking mailbox.
  - 8 were sent via U.S. Postal Service.
  - 11 were received at the public hearings.
- There were 82 oral comments received via public hearings.

The following are the comment categories EGLE received:

- Comments in Favor – 2,584 or 75.6%  
Language directly indicated overall support for the rulemaking effort. Comments in favor may include suggestions for improvement.
- Neutral Comments – 816 or 23.9%  
Language did not directly indicate positive or negative leaning. Neutral comments may include suggestions for improvement.
- Comments in Opposition – 16 or 0.5%  
Language directly indicated opposition to the rulemaking effort and/or proposed a different path for developing a PFAS standard. Comments in opposition may include suggestions for improvement.

Eric Wildfang, Toxicology Unit Manager, Remediation and Redevelopment Division, reported to the ERRC that the Science Advisory Workgroup (SAWG) received and reviewed a subset of public comments the MPART Human Health Workgroup received during the comment period. SAWG was asked to consider if they believed any changes were warranted to their original assessment and offer advice on the points raised in the public comments. SAWG made the determination, after reviewing the points and discussing them on a conference call February 26, 2020, that they continue to believe that the Health-Based Values (HBVs) reflect the best use of the available scientific evidence at the time of their work and do not believe changes to their original recommendations are warranted.

The ERRC was provided time to ask EGLE staff any questions regarding the final *Supplying Water to the Public* Draft Rules (2019-035 EQ). Questions from the ERRC included the role of MPART and the SAWG in reviewing the public comments, and the secondary effects of the proposed rules on water quality and remediation regulations.

## **7. Public Comment**

Laura Campbell, Michigan Farm Bureau, spoke regarding the costs of implementation of the rule for farms and agricultural processors. Requests more time for implementation, technical and financial assistance for smaller communities and farms.

John Dulmes, Director, Michigan Chemistry Council, supports appropriate regulations. Their biggest concern is the short timeline of the rulemaking process of this rule, specifically the short process of the Science Advisory Workgroup to recommend the levels used in this rule.

Dave Greco, Michigan Manufacturers Association, wants to see more of a technical peer review and scientific evaluation of the rules; EGLE using settled science; show accounting for the costs for municipal water systems, citizens and employers; and ERRC to utilize more of the 120 days available to ensure an informed vote.

## **8. Deliberation on Final Draft Rules (2019-35 EG)**

The ERRC members deliberated on the draft rules.

## **9. ERRC Vote on the Final Draft Rules (2019-35 EG)**

The ERRC discussed ways on how communicate to JCAR any of their comments, concerns, and key points discussed as a committee. It was decided that Chair Robert Nederhood would draft a supplement to JCAR.

**Motion:** Jeremy Orr made a motion to approve the rules and to have the Chair work with EGLE to prepare a supplement describing the factors that went into the decision and ongoing concerns; Eric Pessell seconded the motion. The motion was passed by a majority. Two members abstained: Daniel Frakes and Grant Trigger.

## **10. Adjournment**

**Motion:** Helen Taylor made a motion to adjourn the meeting at 3:20 p.m.; Melissa Stults seconded the motion. The motion was passed by all members present.

Prepared by:  
Dale Shaw, Clerk  
EGLE

March 6, 2020

**\*Meeting minutes were APPROVED at the ERRC Meeting on December 17, 2020\***